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In re Application of	:	
STRODER et al.	:	DECISION ON
Application No.: 10/540,439	:	
PCT No.: PCT/EP2003/013162	:	PAPERS
Int. Filing Date: 24 November 2003	:	
Priority Date: 23 December 2002	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 4791-4003	:	
For: METHOD AND PLANT FOR THE THERMAL	:	
TREATMENT OF GRANULAR SOLIDS IN A	:	
FLUIDIZED BED	:	

This is a decision on the submission filed by applicants on 15 May 2006, which was accompanied by, *inter alia*, a declaration of inventors. The indication in this declaration that joint inventor Eberhard Stolarski is deceased has been treated as a request for status under 37 CFR 1.42.

**BACKGROUND**

On 24 November 2003, applicants filed international application PCT/EP2003/13162, which claimed a priority date of 23 December 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 July 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 23 June 2005.

On 22 June 2005, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and an unexecuted declaration of inventors.

On 14 February 2006, the United States Patent and Trademark Office (USPTO) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US) (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required. The NOTIFICATION set a two-month extendable time period for reply.

On 15 May 2006, applicants filed the instant submission, which was accompanied by, *inter alia*, the surcharge under 37 CFR 1.492(f) and a declaration signed by four of the five inventors and signed by Kristina Stolarski as "legal representative" of deceased inventor Eberhard Stolarski.

#### **DISCUSSION**

The submission filed 15 May 2006 has been reviewed and has been found in compliance with 37 CFR 1.42. However, the declaration filed 15 May 2006 is not in compliance with 37 CFR 1.497(a)-(b). The declaration includes pages 1-4 along with two additional page fours. There are no accompanying second pages 1-3 for these two additional page fours. This suggests that the first three pages of the declaration were not associated with the second and third page fours at the time of execution, thus rendering the execution improper. A copy of the entire declaration submitted to applicant(s) for signing must be provided. Each executed declaration must identify all of the inventors and the citizenship of all of the inventors. Also, each submitted declaration must be complete, even if executed by only one of the inventors.

#### **CONCLUSION**

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. **THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**



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